

**TOWN OF NEWMARKET, NEW HAMPSHIRE
TOWN COUNCIL REGULAR MEETING**

February 4, 2015 7:00 PM

PRESENT: Council Chairman Gary Levy, Council Vice Chairman Dale Pike, Councilor Dan Wright, Councilor Phil Nazzaro, Councilor Toni Weinstein, Councilor Ed Carmichael

EXCUSED: Councilor John Bentley

ALSO PRESENT: Town Administrator Steve Fournier, Water & Wastewater Director Sean Greig, Wright-Pierce Engineer Rick Davee, PE, Mr. Eric Salovitch

AGENDA

Chairman Levy welcomed all present and called the meeting to order at 7:02 pm, followed by the Pledge of Allegiance.

PUBLIC FORUM

Chairman Levy asked whether anyone from the public wished to speak.

Mr. Allen of Moody Point addressed the Council on several issues. He said that the School already had a nice kitchen and gym available for use, and that by going down beyond the current walkway, an access tunnel could be put in under Route 108 as was done at UNH. This would provide one half of a lesser school, and building a tunnel would be inexpensive. He next addressed the 0% tax cap mentioning retaliation coming forward, and said that this would be basically against the school. Mr. Allen then stated that with the Town needed income/revenue, and that adding 300 metered parking spaces at \$18/day and \$1/hour, open 18 hours, would generate \$5,400 per day. At the end of the year this would have generated \$1,971,000, or 20% of the Town budget. He added that every other town depends on that revenue coming in to the general fund to offset expenses, and it was something that should be looked into. He stated that traffic could be one-way and the meters would boom businesses in the Town. These businesses would pay increased rent to cover the impact fees. He said that he was anxious to see the engineer's report on the issue. Both Chairman Levy and Town Administrator Fournier responded that the first draft of the report from Mr. John Connery, engineer of the project, was already available online. Chairman Levy then advised Mr. Allen to refer any suggestions he had to the Town Administrator who would forward them to Mr. Connery. Mr. Allen replied that he had already referred information to the Town Administrator regarding the engineering report.

Chairman Levy closed the Public Forum at 7:10 pm.

PUBLIC HEARING – None

TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES

Acceptance of Minutes of January 21, 2015

Councilor Weinstein made a motion to accept the minutes of the regular meeting of January 21, 2015, and Councilor Nazzaro seconded. Chairman Levy announced that Councilor Bentley was excused.

As there were no changes or questions, Town Administrator Fournier polled the council and the minutes of January 21, 2015 were approved 5-0, with 1 abstention.

REPORT OF THE TOWN ADMINSTRATOR

Town Administrator Fournier first addressed the **January 27th Blizzard**, for which a total of 28 inches was reported by the National Weather Service. He said that despite low visibility and dangerous road conditions, the Public Works Department crews did an incredible job over an approximate 48-hour period, and were currently working on cleanup. He stated that the cost to the Town was significant at approximately \$45,000, with an estimated possible reimbursement from FEMA of \$38,000. He said that they were currently working with the State to determine eligibility, and that the total threshold to be met was \$2,000,000 for the County. He thanked the residents for staying off the roads and thanked the Public Works Department for their hard work. He added that the storm would have an impact on the budget, which would need to be monitored closely. Town Administrator Fournier next addressed the **Lighting Upgrade** for the Town, stating that the project was completed. He reported that 126 fixtures were retrofitted, and occupancy sensors were installed in numerous spaces. He said that PSNH had paid 50% of the cost, with the Town contributing the other 50% which amounted to \$7,893. He added that the payback on their investment would be 4.1 years, weighted over an average useful lifespan of 13 years. Town Administrator Fournier reported that the Planning Board was working with Strafford Regional Planning Commission on updating the Newmarket **Master Plan**, of which a first draft of the **Housing and Demographics** chapter was provided. He added that there would be a follow-up Workshop with the Planning Board to discuss the findings. A notable part of the first chapter related to the increases in the elderly population, which grew 127% from 2000 to 2010, plus the discussion of ageing trends across New Hampshire. Town Administrator Fournier also provided information, not included in his report, regarding the rollout of Code Red Reverse 911 which was expected soon. He advised people to register their cellphones online for the service, adding that other opt in/opt out programs would also be available.

Discussion: Vice Chair Pike asked for an explanation of how Strafford had been chosen to work on the Master Plan for the Town. Town Administrator Fournier replied that they had submitted proposals and that Strafford had come in as the lowest bid. Vice Chair Pike said that he was concerned with the report as he felt regional or state interests were not always the same as city interests, and that it was not really specific to Newmarket. Councilor Weinstein praised the communication in the Town during the storm. She then pointed out that some of the enrollment figures in the Master Plan chapter presented at the School/Town Joint Advisory Committee (JAC) meeting the night before were very different from those the consultant of the Joint Advisory Committee had reported. She said that she was unsure who was

right, but the differences were significant. She then asked for verification of the polling place for the March ballot. Town Administrator Fournier stated that March voting would be held downstairs in the Town Hall and that the Town Clerk was working with the Police Department on possibly making the traffic one-way to ease congestion. Chairman Levy asked about the occupancy sensors mentioned in the report, and Town Administrator Fournier replied that they provided automatic shut-off in those spaces after a certain length of time. Chairman Levy then asked that fact checking be done regarding the growth of Newmarket on page 9 of the Master Plan chapter, where it stated that Newmarket was expected to grow by 495 residents/decade through 2040. He felt this figure was two (2) times the rate of the entire State of New Hampshire, adding that Mr. Randy Bell had reported a 25% drop in school population since 2004. Chairman Levy referred to the point Councilor Weinstein had raised regarding the discrepancies in numbers, and agreed that the numbers were not consistent with anything they had heard to date. He said that he was stupefied by the cited "affordable" housing costs of \$1,100-\$1,200, saying that it was based on goals for the region and not the Town of Newmarket, adding that the plan should be consistent with what was happening in Town. Vice Chair Pike said that he would address this at the next Planning Board meeting, adding that some language seemed to be 180 degrees different from the Master Plan and they needed to make sure the facts lined up. Chairman Levy commented on the stark contrast in road conditions after the blizzard leaving Swampscott Road and entering Durham.

COMMITTEE REPORTS

Chairman Levy reported that the Economic Development Committee had met last week, and that Mr. John Connery provided a comprehensive report on mid-sized elderly housing care with different categories for Alzheimer's, etc. He said that not a lot of traffic would be generated near the housing and that it would generally have a positive tax impact, adding that the tax implications would be looked into, the report refined, and specific recommendations for types of housing made. Councilor Nazzaro felt that the ultimate goal was to come up with suggested changes in zoning to propose to the Planning Board and the Council with developments which would have a net gain for the Town. Chairman Levy added that the study and the costs would be daunting, but that it would provide specific language to bring to the Planning Board and the Council.

Chairman Levy next reported on the School/Town Joint Advisory Committee meeting the previous evening. He stated that the report from the consultant had been presented and reviewed generating a robust conversation about the next steps and how to proceed. He then commented about a power-point presentation that had been provided at the meeting for which no copies had been handed out and no prior information made available. He added the presentation, which looked at a 50-year tax envelope, was also not available online the following day and he was concerned that he had no idea what assumptions had been made. He stated that it was suggested to Mr. Bell that Sub-Groups be set up to look into the each of the three (3) options for the School, with members of the Joint Advisory Committee, the School Board, and interested parties. He said it was brought up that the negotiating group may have had conflicts of interest relating to possible job losses at Oyster River regarding tuitioning, and stated that the people want to feel confident that whatever is looked into is done sincerely with sufficient effort put forth. Chairman Levy mentioned the general feeling that the School Board was not for tuitioning, and that a blend of people were needed to watch the process. He added that Mr. Bell would give his recommendations for the next steps to the School Board tomorrow evening.

Chairman Levy said that he hoped the School Board would also vote on whether tuitioning grades 9-12 should be nixed, adding that over six (6) months had been spent researching the issue. Councilor Nazzaro said that he had read the report which provided three (3) viable options, and that the School Board would now decide how to go forward. He added that the presentation was not power-point, but rather an Excel modeling tool. Councilor Wright said that the facts were now available and that it was up to the School Board to interpret the findings of the Joint Advisory Committee, adding that he would support whatever they decided. He stated that that the biggest stumbling block now was tuitioning and how the process was done, and he hoped that Mr. Bell would consider taking on this role. Councilor Weinstein felt that this role should be filled by the School Superintendent, rather than Mr. Bell. Councilor Wright agreed, but emphasized that the Superintendent of the School should be permanent and not interim. Councilor Weinstein then addressed Chairman Levy regarding the role of the Joint Advisory Committee going forward, and assumed that the Council would be holding a vote, as they had voted to establish the JAC to vet out the process in the beginning.

Chairman Levy replied that the issue really came down to a false premise that they could really vet the options, as they would have had to sit down with Dover or Epping for preliminary discussions. He said that the School Board had not wanted to have these discussions while the work was going on and they had essentially put up a "stop sign". He said that Mr. Bell had felt adding 500 kids to a 9-12 program would not involve as much infrastructure, but that the School Board had decided they would only consider grades 6-12 for which the Town had no partner. Councilor Weinstein again asked what the Council would do as she did not vote for the Joint Advisory Committee to negotiate tuition contracts, to go on indefinitely, or have no parameters, and stated that she would not support the role of the Joint Advisory Committee expanding. Vice Chair Pike stated that he had attended the Joint Advisory Committee meeting and that a lot had been accomplished through the JAC process. He commended the School Board for starting the process, and all parties involved, and felt that the document read well and the model was intriguing. He pointed out that the factors that went into the decision turned out to be more complex than was originally appreciated and that it was important to decide the next step. He added that he wanted the vote in March to succeed and favored waiting until March 2016. He stated that the model, which was for two (2) Newmarket Schools, was a promising beginning but should be reduced to just one (1) school for the Town to be a viable way to proceed. Finally, he felt that the School Board would need to decide how best to bring in the various viewpoints to continue the discussion. Councilor Carmichael said that he agreed with Vice Chair Pike completely, and thanked Councilor Wright and Chairman Levy for their time and effort representing the Town on the Joint Advisory Committee. Councilor Nazzaro felt that all sides had come to the conversation trying to find statistics to back up their positions, choosing the criteria that went into the model based on their subjective feelings of where the Town should go. He hope that all options would be carefully looked at to make a decision for the voters as to what would be best for the community. Chairman Levy said he felt that in regard to the Excel presentation, the data had been fed in looking for an outcome, and that perhaps there should have been a workshop to provide and discuss the information ahead of time. Vice Chair Pike said that if the process was a good one, then it was incumbent on the people to support the conclusion.

OLD BUSINESS

ORDINANCES AND RESOLUTIONS IN THE 2ND READING

Resolution #2014/2015-41 Approving the North Main Street Water Main Replacement Construction Budget

Vice Chair Pike made a motion to approve *Resolution #2014/2015-41 Approving the North Main Street Water Main Replacement Construction Budget*, with a construction oversight of **\$112,750**. The motion was seconded by Councilor Nazzaro.

Discussion: Water & Wastewater Director Sean Greig introduced Mr. Rick Davee, PE, the Wright-Pierce principal engineer in charge of the project. Mr. Davee stated that the firm would be charging a mark-up of 2.2% times salary costs, including costs and overhead. Chairman Levy asked for an example, for which Mr. Davee used the amount of \$15.00 times 2.2% which would result in a charge of \$45.00, plus reimbursables like mileage and meals. Chairman Levy asked if any sub-contractors would be needed for the project. Mr. Davee replied that SW Cole would be the sub-contractor, and that the mark-up for sub-contractors was only 5%. Water & Wastewater Director Sean Greig stated that the contract was pretty much standard, and the Town would only pay for time and materials provided. Chairman Levy asked Water & Wastewater Director Greig to request a pass through on the mark-up fees for the sub-contractor, adding that it was not an inappropriate request.

As there were no further questions or discussion, Town Administrator Fournier polled the council and the motion passed unanimously, 6-0.

Resolution #2014/2015-42 Authorize the Town Administrator to Enter into an Agreement with Wright-Pierce for Project Management and Oversight Services Related to the North Main Street Water Main Replacement Project

Councilor Weinstein made a motion to approve *Resolution #2014/2015-42 Authorize the Town Administrator to Enter into an Agreement with Wright-Pierce for Project Management and Oversight Services Related to the North Main Street Water Main Replacement Project*, and Vice Chair Pike seconded.

As there were no questions or discussion, Town Administrator Fournier polled the council and the motion passed unanimously, 6-0.

ORDINANCES AND RESOLUTIONS IN THE 3ND READING - None

ITEMS LAID ON THE TABLE - None

NEW BUSINESS/CORRESPONDENCE

TOWN COUNCIL TO CONSIDER NOMINATIONS, APPOINTMENTS AND ELECTIONS

Appointment – Eric Salovitch, Conservation Commission Term Expires March 2017

Town Council
February 4, 2015 - Regular Meeting

Councilor Weinstein made a motion to approve the appointment of **Eric Salovitch** to the **Conservation Commission**, for a **Term expiring March 2017**, and Councilor Nazzaro seconded.

Mr. Salovitch briefly addressed the Council. He introduced himself and said that he had been working in Newmarket for approximately four (4) years and had been a resident for one (1) year. He said that he was looking to purchase property in the community as he liked the people and the environment. He thanked the Council for inviting him to speak.

Chairman Levy thanked Mr. Salovitch for coming and asked if there were any questions.

As there were no questions, Town Administrator Fournier polled the council and the motion to approve the appointment passed unanimously, 6-0.

ORDINANCES AND RESOLUTIONS IN THE 1ST READING

Resolution #2014/2015-43 Record Retention Policy

Chairman Levy read the text of *Resolution #2014/2015-43 Record Retention Policy* in full.

Resolution #2014/2015-44 Town Administrator to Enter into an Agreement for Audit Services for FY2015

Chairman Levy read *Resolution #2014/2015-44 Town Administrator to Enter into an Agreement for Audit Services for FY2015*, in full.

Discussion: Chairman Levy asked if there would be a set fee charged by the new auditors. Town Administrator Fournier stated that the current auditors had withdrawn from their contract and that the second bidders had been chosen. He added that their bid had been close to the first bid.

CORRESPONDENC/CLOSING COMMENTS

Councilor Weinstein asked whether the Council would be provided with a copy of the current Records Retention Policy, and Town Administrator Fournier replied that it would be made available. Vice Chair Pike said that all the members listed for Record Retention appeared to be department chiefs and wondered if anyone external would be included. Town Administrator Fournier replied that State Law states that the governing body has to make the policy. Vice Chair Pike asked if this would be in Public Session and Town Administrator Fournier replied that it would.

ADJOURNMENT

Vice Chairman Pike made a motion to adjourn the meeting, which was seconded by Councilor Nazzaro. The meeting was adjourned at 8:11 pm.

Respectfully submitted, Patricia Denmark, Recording Secretary.